

FAIR EMPLOYMENT & HOUSING COMMISSION

455 GOLDEN GATE AVENUE, SUITE 10600
SAN FRANCISCO, CA 94102
(415) 557-2325 FACSIMILE (415) 557-0855
www.fehc.ca.gov



MINUTES 466th COMMISSION MEETING

February 27, 2007
Held Telephonically in
Los Angeles, Sacramento, Oakland
and San Francisco, California

PRESENT:

Los Angeles: Chairman George Woolverton, Vice Chair Herschel Rosenthal and members of the public: Nick Toghia, Donna Buchanan and Jackie Connor.
Sacramento: Commissioner Linda Ng and members of the public: Gail Blanchard-Saiger, Roni Stover, John Adkison and Scott Shibayama.
Oakland: Commissioner Tamiza Hockenhull.
San Francisco: Commission staff Ann Noel, Caroline Hunt, Regina Brown, Joseph Ragazzo and Loc D. Tra; and members of the public: Ralph Yanello, Lynn Lieber, Cynthia Sandoval and Shanti Atkins.

OPEN SESSION

Chairman Woolverton moved, Vice Chair Rosenthal seconded, and the Commission unanimously voted to call the meeting to order at 1:33 p.m. [07-01]

REVIEW OF AGENDA

Chairman Woolverton accepted the agenda as submitted.

REVIEW OF THE MINUTES

Chairman Woolverton moved, Commissioner Hockenhull seconded, and the Commission unanimously voted to adopt the Minutes and Transactions of the 465th Commission meeting as submitted. [07-02]

HARASSMENT TRAINING REGULATIONS

Executive and Legal Affairs Secretary (ELAS) Ann Noel explained the regulatory process resulting in revised proposed regulations now before the Commission for adoption:

On December 14, 2007, the Commission submitted a regulatory package of its Sexual Harassment Training and Education regulations to the Office of Administrative Law (OAL) for its review and approval. On January 30, 2007, OAL informed the Commission in a Notice of Disapproval that it had rejected the FEHC's regulations, finding two definitions to be lacking in clarity. Those two definitions were a "Subject Matter Expert" and a "Qualified Trainer." On February 6, 2007, OAL sent the Commission a Disapproval Decision which provided more detail about its disapproval of the Commission's regulations.

Thereafter, Commission staff sent to the FEHC's regulations mailing list a request a short questionnaire soliciting suggestions from mailing list members for suggestions for new definitions of "Subject Matter Experts" and "qualified trainers." Commission staff received numerous excellent suggestions and submitted a revised draft of its regulations to OAL for a preliminary review of the draft regulations for clarity. OAL found FEHC staff's draft to pass its clarity standard. Thereafter, FEHC staff sent its draft revised regulations to the Commission for its review at this February 27, 2007 FEHC meeting. ELAS Noel told the Commissioners and guests that once the Commission adopts revised regulations, the Commission will immediately sent these revised regulations to the FEHC's regulations mailing list and also post it on its website for a 15-day public comment period, running from February 28, 2007 through March 14, 2008.

The Commission will consider these public comments and any revisions necessary to its regulations at its next FEHC meeting, to be held March 27, 2007 in Los Angeles. The exact location of this meeting and a copy of the meetings agenda will be posted on the Commission's website as soon as it is available.

Vice Chair Rosenthal moved, Chairman Woolverton seconded and the Commission unanimously voted to adopt the draft of the revised regulations as submitted by staff and directed staff to submit them for public comment. [07-03]

Chairman Woolverton invited members of the public to address the Commission.

John Adkisson, Esq., of Team Trainers made the following points regarding what he believes makes an individual a "qualified trainer." Adkisson noted that he has not yet had an opportunity to read the revised regulations. Adkisson stated that the definition of who is a "qualified trainer" should look for three qualities: 1) the knowledge base of the trainer in the area of curriculum development and application; 2) the source of that knowledge; and 3) the depth of the knowledge sufficient to answer questions on supervision and prevention.

Scott Shibayama joined the meeting at 1:47 p.m.

No other guests requesting to speak, at 1:50 p.m., Chairman Woolverton moved, Commissioner Hockenhull seconded and the Commission voted unanimously to adjourn the meeting.

ELAS Noel thanked everyone for attending the meeting and said that FEHC staff and Commissioners looked forward to receiving and considering all public comments.

ADJOURNMENT

The Commission adjourned its meeting at 1:50 p.m.

Date: February 27, 2007

GEORGE WOOLVERTON
Chairman

ANN M. NOEL
Executive and Legal Affairs Secretary

**REPORT OF TRANSACTIONS
OF THE 466th COMMISSION MEETING**

**February 27, 2007
Held Telephonically in
Los Angeles, Sacramento, Oakland
and San Francisco, California**

THE COMMISSION AT THIS MEETING TOOK THE FOLLOWING ACTIONS:

- 07-01 Approved calling the meeting to order.
- 07-02 Adopted the Minutes and Transactions of the 465th Commission meeting.
- 07-03 Voted 4:0 to adopt the draft of the revised regulations as submitted by staff and directed staff to submit them for public comment.
- 07-04 Approved adjourning the meeting.

Prepared By

Loc D. Tra
Clerk of the Commission